

# HOUSE JOURNAL

SEVENTY-SEVENTH LEGISLATURE, REGULAR SESSION

## PROCEEDINGS

TWENTIETH DAY — WEDNESDAY, FEBRUARY 14, 2001

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 20).

Present — Mr. Speaker; Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough.

Absent, Excused — Sadler; Zbranek.

The invocation was offered by Gloria Gillaspie, pastor, Steppingstone Family Church, Burleson, as follows:

Heavenly Father, we give thanks for our nation and the great State of Texas. We thank you for our representatives and pray your blessings upon them and their families, that they would have your protection and enjoy good health.

We pray they be directed by skillful and godly wisdom; that every decision they make will be acceptable to your will and purposes in order that we may lead a quiet and peaceable life in all godliness and honesty.

Your word says, "Blessed is the nation whose God is the Lord." We receive your blessings. You are our refuge and stronghold in times of trouble. Therefore, we pray that we dwell safely in this land from the threat of terrorists and natural disasters. We pray for peace and abundant prosperity and that righteousness be exalted in our land.

We invoke the prayer from your holy word, "May the Lord bless you and keep you, the Lord make his face to shine upon you, may he be gracious to you, show you his favor, and give you his peace." Amen.

### LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business in the district:

Zbranek on motion of Raymond.

### BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 8).

### CAPITOL PHYSICIAN

The speaker recognized Representative Morrison who presented Dr. David H. Watson of Yoakum as the "Doctor for the Day."

The house welcomed Dr. Watson and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

### MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

### HR 273 - ADOPTED (by Puente)

Representative Puente moved to suspend all necessary rules to take up and consider at this time **HR 273**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 273**, Honoring the San Fernando Cathedral in San Antonio.

**HR 273** was read and was adopted without objection.

On motion of Representative B. Brown, the names of all the members of the house were added to **HR 273** as signers thereof.

(Puente in the chair)

### INTRODUCTION OF GUESTS

The chair introduced Father David Garcia from San Fernando Cathedral and San Antonio city council member, Enrique Barrera. Father Garcia briefly addressed the house.

(Speaker in the chair)

### INTRODUCTION OF GUESTS

The speaker recognized Representative Flores, who introduced a delegation from Mission.

**HR 271 - ADOPTED**  
**(by Delisi)**

Representative Delisi moved to suspend all necessary rules to take up and consider at this time **HR 271**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 271**, Recognizing February 14, 2001, as Cardiovascular Disease and Stroke Awareness Day at the State Capitol.

**HR 271** was read and was adopted without objection.

**HR 104 - ADOPTED**  
**(by Uher)**

Representative Uher moved to suspend all necessary rules to take up and consider at this time **HR 104**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 104**, In honor of Maggie Marie "Pat" Rosebud's outstanding record of service in Brazoria County.

**HR 104** was read and was adopted without objection.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Uher, who introduced Maggie Marie "Pat" Rosebud and her family.

**HR 257 - ADOPTED**  
**(by Ramsay)**

Representative Ramsay moved to suspend all necessary rules to take up and consider at this time **HR 257**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 257**, Recognizing February 14, 2001, as Jefferson Day at the State Capitol.

**HR 257** was read and was adopted without objection.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Junell, who introduced a delegation from the West Texas Boys Ranch.

(Dutton in the chair)

**HR 249 - ADOPTED**  
**(by Naishtat, Dukes, and Maxey)**

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 249**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 249**, Honoring The University of Texas at Austin's Project 2001.

**HR 249** was read and was adopted without objection.

**HCR 134 - ADOPTED**

(by Raymond)

Representative Raymond moved to suspend all necessary rules to take up and consider at this time **HCR 134**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HCR 134**, Designating February 12-16, 2001, as National Heart Failure Awareness Week.

**HCR 134** was adopted without objection.

**HR 274 - ADOPTED**

(by Dutton)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 274**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 274**, Honoring the grand opening of the Nickel Sandwich Grill in Houston.

**HR 274** was adopted without objection.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING  
AND REFERRAL TO COMMITTEES  
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

**HR 229 - ADOPTED**

(by Uher)

Representative Uher moved to suspend all necessary rules to take up and consider at this time **HR 229**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 229**, In memory of Mary Gay Burton of Houston.

**HR 229** was unanimously adopted by a rising vote.

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

County Affairs will reconvene at 11:20 a.m. today, E1.026, to consider house bills.

### ADJOURNMENT

Representative Kolkhorst moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 11:09 a.m., adjourned until 10 a.m. tomorrow.

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### ADDENDUM

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### REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

#### List No. 1

**HB 1526** (By Bailey), Relating to the selection of a doctor for workers' compensation benefits.

To Business & Industry.

**HB 1527** (By Bailey), Relating to allowing public bodies the authority to require wages higher than the prevailing wage rates for public works.

To State Affairs.

**HB 1528** (By Bailey), Relating to prohibiting collective bargaining between the state or a political subdivision of the state and certain labor organizations representing public employees that advocate the right to strike.

To State Affairs.

**HB 1529** (By Bailey), Relating to classification of positions within covered fire departments.

To Urban Affairs.

**HB 1530** (By Bailey), Relating to the accumulation and valuation of sick leave by certain firefighters and police officers.

To Urban Affairs.

**HB 1531** (By Bailey), Relating to penalties for failure of covered fire departments to comply with grievance procedure deadlines.

To Urban Affairs.

**HB 1532** (By Kuempel), Relating to the determination under the school finance system of the amount of collected taxes for certain school districts.

To Public Education.

**HB 1533** (By McReynolds), Relating to a year of creditable service in the Teacher Retirement System of Texas.  
To Pensions & Investments.

**HB 1534** (By Y. Davis), Relating to documentation of motor vehicle ownership.  
To Transportation.

**HB 1535** (By Y. Davis), Relating to an electronic motor vehicle lien system.  
To Transportation.

**HB 1536** (By Coleman), Relating to compensation for persons wrongfully imprisoned.  
To Civil Practices.

**HB 1537** (By Coleman), Relating to the provision of medical assistance for children of migrant or seasonal agricultural workers.  
To Public Health.

**HB 1538** (By Coleman), Relating to the creation of a commercial and industrial development zone; providing authority to impose a tax and issue bonds.  
To County Affairs.

**HB 1539** (By R. Lewis), Relating to the restoration of the civil rights of certain individuals convicted of offenses allegedly committed in other countries.  
To Criminal Jurisprudence.

**HB 1540** (By B. Turner), Relating to Edwards Aquifer Authority.  
To Natural Resources.

**HB 1541** (By Luna), Relating to the satisfaction of a condition of community supervision requiring performance of community service.  
To Criminal Jurisprudence.

**HB 1542** (By Luna), Relating to subcontracting opportunities for historically underutilized businesses.  
To State Affairs.

**HB 1543** (By Luna), Relating to the sales and use tax imposed by municipal crime control and prevention districts.  
To Ways & Means.

**HB 1544** (By Uher), Relating to the release of certain personal information from motor vehicle records and information relating to motor vehicle accident reports; providing penalties.  
To State Affairs.

**HB 1545** (By Uher), Relating to the operation, regulation, and administration of public institutions of higher education.  
To Higher Education.

**HB 1546** (By Uher), Relating to disability retirement benefits for certain peace officers under the Employees Retirement System of Texas.  
To Pensions & Investments.

**HB 1547** (By Uher), Relating to the liability of certain local chambers of commerce.

To Civil Practices.

**HB 1548** (By Uher), Relating to license plates for certain consular officials.

To Transportation.

**HB 1549** (By G. Lewis), Relating to the sealing of files and records of a person prosecuted for failure to attend school.

To Juvenile Justice & Family Issues.

**HB 1550** (By A. Reyna), Relating to the punishment for theft committed against elderly individuals.

To Criminal Jurisprudence.

**HB 1551** (By A. Reyna), Relating to motor vehicle liability insurance for certain emergency medical services vehicles.

To Insurance.

**HB 1552** (By A. Reyna), Relating to an order of legal separation in a marriage.

To Juvenile Justice & Family Issues.

**HB 1553** (By A. Reyna), Relating to supervision of public school students pending placement in an alternative education program.

To Public Education.

**HB 1554** (By A. Reyna), Relating to the punishment of the offense of assault.

To Criminal Jurisprudence.

**HB 1555** (By A. Reyna), Relating to the unlawful possession of a firearm by a felon.

To Criminal Jurisprudence.

**HB 1556** (By A. Reyna), Relating to insurance coverage for certain dental procedures.

To Insurance.

**HB 1557** (By A. Reyna), Relating to the exemption from ad valorem taxation of property of certain retirement communities that qualify as charitable organizations.

To Ways & Means.

**HB 1558** (By Averitt), Relating to the regulation of certain warrantors of vehicle protection products; providing penalties.

To Licensing & Administrative Procedures.

**HB 1559** (By Chavez), Relating to designation of certain caregivers as life insurance beneficiaries.

To Insurance.

**HB 1560** (By Chavez), Relating to the use of gender-neutral terminology in publications of the office of the attorney general.

To Judicial Affairs.

**HB 1561** (By Chavez), Relating to telephone prepaid calling card services.

To State Affairs.

**HB 1562** (By Thompson), Relating to the control of health insurance fraud; providing administrative penalties.

To Insurance.

**HB 1563** (By Smithee), Relating to the theft of motor fuel from a retail store; providing penalties.

To Public Safety.

**HB 1564** (By Talton), Relating to remedies for the unequal appraisal of property by an appraisal district.

To Ways & Means.

**HB 1565** (By Crabb), Relating to the admission of top high school graduates to general academic teaching institutions.

To Higher Education.

**HCR 124** (By McCall), Expressing the public policy relating to software piracy.

To Business & Industry.

**HCR 125** (By Salinas), Urging the Texas Board of Health to adopt rules expanding the requirements for hepatitis A vaccination to children in 22 additional counties.

To Public Health.

**HCR 127** (By G. Lewis, et al.), Honoring Julie Euseppi for her outstanding service to the office of State Representative Glenn O. Lewis.

To Rules & Resolutions.

**HCR 128** (By G. Lewis), Honoring Steve Palko for being named Business Volunteer of the Year by the National Alliance of Business.

To Rules & Resolutions.

**HCR 129** (By Chavez), Paying tribute to the late Bobby Fuller of El Paso for his musical accomplishments.

To Rules & Resolutions.

**HCR 130** (By Chavez), In memory of Esperanza Acosta Moreno of El Paso.

To Rules & Resolutions.

**HCR 131** (By Chavez), In memory of Tom Lea of El Paso.

To Rules & Resolutions.

**HJR 6** (By Junell), Proposing a constitutional amendment providing for gubernatorial appointment to fill vacancies in the offices of appellate justices and judges and for nonpartisan retention elections for those justices and judges.

To Judicial Affairs.

**HR 254** (By F. Brown), Expressing support for the Global Ocean Observing System, the Gulf of Mexico Ocean Observing System, and participation in the Gulf system by Texas A&M University and other Texas institutions of higher education.

To Higher Education.

**HR 255** (By F. Brown), Expressing support for the efforts of Texas A&M University in seeking designation as the Science Operator for the Integrated Ocean Drilling Program.

To Higher Education.

**HR 265** (By G. Lewis, et al.), In memory of Ned Euseppi of El Paso.  
To Rules & Resolutions.

**HR 266** (By Dukes, McClendon, Giddings, Thompson, and Y. Davis), Honoring Jean Allen-Yates of Austin for being named Top Lady of the Year 2001 by the Capital City Chapter of the Top Ladies of Distinction, Inc.

To Rules & Resolutions.

**HR 267** (By Hardcastle), Recognizing February 21, 2001, as Graham Day at the State Capitol.

To Rules & Resolutions.

**HR 268** (By Gallego), Honoring Allen Zan Matthies of Pecos County on his retirement.

To Rules & Resolutions.

**HR 269** (By Seaman), In memory of W. H. Mercer, Sr., of Edna.

To Rules & Resolutions.

**HR 272** (By Chisum), Commemorating the 100th anniversary of the Yellowhouse Masonic Lodge in Lubbock.

To Rules & Resolutions.

**SB 171** to Public Health.

**SB 173** to Criminal Jurisprudence.

**SB 327** to Insurance.

#### **SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**House List No. 8**

**HCR 108**

#### **MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1**

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, February 14, 2001

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 24**                    Shapiro

Relating to the manner in which the testimony of a child who is the victim of or witness to an alleged offense may be taken in certain criminal proceedings.

**SB 25**                    Shapiro

Relating to the classification of manslaughter and intoxication manslaughter as violent offenses punishable by a determinate sentence.

**SB 126**                  Madla

Relating to the creation and funding of a rural communities health care investment program to attract and retain rural health care professionals.

Respectfully,

Betty King  
Secretary of the Senate

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**APPENDIX**

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**ENROLLED**

**February 13 - HCR 108**